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Message Text

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PAGE 01 BRASIL 10224 141944Z
ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 TRSE-00 L-03 JUSE-00 /014 W
---------- 127623 /21
R 141900Z DEC 76
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 9113
INFO AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO

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E.O. 11652: N/A
TAGS: CGEN, BR
SUBJECT: JUDICIAL ASSISTANCE - VARIG AIRLINES EMPLOYEE

REFS: (A) BRASILIA 9573 (B) STATE 286316

1. FOLLOWING DISPATCH OF REFTEL (A), EMBOFF ON NOV. 18 MET WITH SECRETARY DILERMANDO CRUZ, PRINCIPAL ASSISTANT FOR JUDICIAL MATTERS TO CHIEF OF FONMIN CONSULAR AND JUDICIAL DEPARTMENT, AND INQUIRED AS TO STATUS OUR REQUEST FOR ASSISTANCE IN CUSTOMS INVESTIGATION.

2. CRUZ INDICATED THAT REQUEST WOULD BE APPROVED. WHEN ASKED WHETHER THIS MEANT THAT JUSTICE MINISTRY HAD ALREADY GIVEN ITS CONSENT, CRUZ REPLIED THAT FOREIGN MINISTRY WOULD PROBABLY RESPOND WITHOUT CONSULTING OTHER MINSTRY, AS REQUEST WAS DEEMED ROUTINE IN NATURE. HOWEVER, HE ADDED TWO CAVEATS: (1) USG PERSONNEL COMING TO BRAZIL IN CONNECTION WITH THIS MATTER WILL NOT BE AUTHORIZED TO CARRY OUT INDEPENDENT INVESTIGATION; THEIR ROLE WILL BE TO ACCOMPANY INVESTIGATION CARRIED OUT UNDER AUSPICES OF BRAZILIAN POLICE. (2) SHOULD COMPANIES INVOLVED (RODITI JOALHEIROS AND EMERBRAS) DECLINE TO VOLUNTEER THEIR FILES FOR EXAMINATION, SUCH RECORDS CAN BE OBTAINED ONLY PURSUANT TO A JUDICIAL ORDER ISSUED BY BRAZILIAN COURTS.

3. FOLLOWING RECEIPT REFTEL (B), AND IN ABSENCE OF OFFICIAL REPLY FROM FONMIN, EMBOFF ON DECEMBER 9 CONTACTED SECRETARY CRUZ, WHO ONCE MORE OFFERED ASSURANCES THAT
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PAGE 02 BRASIL 10224 141944Z

REQUEST WOULD BE APPROVED, ATTRIBUTED ABSENCE OF

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

REPLY TO PRESS OF OTHER BUSINESS, AND INDICATED THAT HE WOULD ATTEND TO MATTER IN FAIRLY NEAR FUTURE. IN LIGHT OF THESE ASSURANCES, EMBOFF DID NOT TAKE UP ARGUMENTS CONTAINED REFTEL (B).

4. EMBASSY WILL ADVISE PROMPTLY UPON RECEIPT OF FONMIN NOTE AUTHORIZING INVESTIGATION.
CRIMMINS

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